

REMARKS

Reconsideration of the application is requested in view of the amendments to the claims and the remarks presented herein.

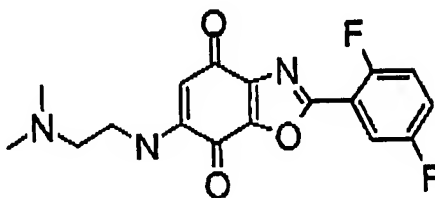
The claims in the application are claims 5 to 7, 13 and 14, all other claims having been cancelled.

The Examiner has required a 5 way restriction between process claims 1 and 2, process claims 3 and 4, compound claims 5 to 7 and composition claim 13, method claim 14 and compound claim 15. The Examiner has further required an election of species.

Applicants elect group III with a request to combine group IV directed method claim 14 as it is believed that claims 5 to 7, 13 and 14 are directed to a single invention. Method claim 14 is directed to treatment of specific cancers and claim 13 is directed to compositions for treating specific cancers of the same scope as that of method claim 14. Claims 13 and 14 use the compounds of claims 5 to 7 and it is believed that claims 5 to 7, 13 and 14 are directed to a single invention and properly examined together.

Non-elected inventions I, II and V have been cancelled but Applicants reserve the right to file divisional applications directed thereto. Applicants request the Examiner to examine groups III and IV together. In order to be fully responsive, Applicants elect with traverse claims 5 to 7 and 13. With respect to the election of species, Applicants elect

2-(2,5-difluorophenyl)-6-[[2-(dimethylamino)ethyl]amino]-1,3-benzoxazole-4,7-dione
(example 27).



Claim 13 stands rejected under 35 USC 101, first paragraph as being too broad in reciting “cancer” treatment. Applicants traverse this ground of rejection as claim 13 is now directed to the treatment of specific cancers and have presented test data directed. It should be noted that an inventor does not have to present clinical studies to substantiate utility. Therefore, withdrawal of this ground of rejection is requested.

Claims 5 to 7 and 13 were rejected under 35 USC 102 as being anticipated by Galcera Contour et al.

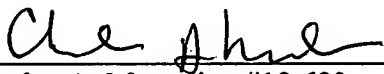
Applicants traverse this ground of rejection since the cited reference was published on July 10, 2003 which is its effective date as a reference. The present application has a priority date of June 5, 2003 which is earlier than the reference’s publication date. Applicants’ are in the process of obtaining a sworn English translation of the French text and request withdrawal of this ground of rejection upon filing of the translation.

Claim 13 and presumably claims 5 to 7 were rejected on obviousness double patenting with respect to U.S. patent application Serial No. 10/562,625. Applicants are submitting herewith a terminal disclaimer with fee to obviate this ground of rejection.

Applicants have amended the specification to refer to the French priority application as well as the PCT application and are submitting a new Abstract.

In view of the amendments to the specification and claims and the above remarks, it is believed that the claims point out Applicants' invention. Therefore, favorable reconsideration of the application is requested.

Respectfully submitted,
Hedman and Costigan



Charles A. Muserlian #19,683
Attorney for Applicants
Tel. 212 302 8989

CAM:mlp
Enclosures